

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ni et al.

Docket No.: PF221D2

Application No.: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Filed: Concurrently Herewith

Art Unit: N/A

For: Cytostatin II

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney/Agent for Applicants hereby directs the Examiner's attention to references A-AP listed on the attached Form PTO/SB/08.

Copies of references A and C-AN were submitted by Applicants or cited by the Examiner in connection with U.S. Application No. 09/043,646, filed September 9, 1998, to which the instant application claims priority under 35 U.S.C. § 120. Copies of references A and C-AN were submitted by Applicants or cited by the Examiner in connection with U.S. Application No. 09/971,187, filed October 5, 2001, to which the instant application claims priority under 35 U.S.C. § 120. Pursuant to 37 C.F.R. § 1.98(d), the Examiner is directed to the file of U.S. Application Nos. 09/043,646 and 09/971,187 for copies of references A-AP.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b)

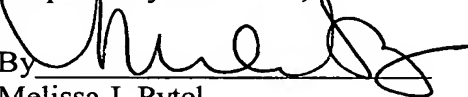
concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Accordingly, no fee is believed due. However, should the Patent Office determine otherwise, please charge the required fee to our Deposit Account No. 08-3425.

Dated: April 13, 2004

Respectfully submitted,

By 

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned
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				First Named Inventor	Jian Ni
				Art Unit	N/A
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	US-5,194,596	03-16-1993	TISCHER et al.	
	B	US-5,350,836	09-27-1994	KOPCHICK et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	C	WO-WO97/11970-A1	04-03-1997	HUMAN GENOME SCIENCES, INC.		
	D	WO-WO98/45440-A1	10-15-1998	INCTYE PHARMACEUTICALS, INC.		
	E	JP-10-286089	10-27-1998	OTSUKA PHARMACEUTICALS		
	F	DE-43 38 817-A1	11-13-1993	DELBRUECK CENT MOLEKULARE MEDIZIN MAX (DELB-N)		
	G	WO-WO94/01548	01-20-1994	MEDICAL RESEARCH COUNCIL		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	H	HILLIER et al., GenBank Accession No. H46792, July 31, 1995	
	I	YANG et al., "Members of the Fatty Acid Binding Protein Family ...," Journal of Cell Biology, 127 (4):1097-1109, November 1994	
	J	PEETERS et al., "Cloning of the cDNA encoding human skeletal-muscle," Biochem Journal, 276:203-207, 1991	
	K	PEETERS et al., "Expression in Escherichia coli and characterization of the fatty-acid-binding...," Biochem Journal, 278:361-364, 1991	
	L	HILLIER et al., GenBank Accession No. W76403, June 23, 1996	
	M	DE LEON et al., "Fatty Acid Binding Protein Is Induced in Neurons...," J. of Neuroscience Research, 44:283-292, 1996	
	N	BOHMER et al., "Identification of a Polypeptide Growth Inhibitor...," Journal of Biological Chemistry, 262 (31):15137-15143, November 5, 1987	
	O	HILLIER et al., GenBank Accession No. R60348, May 24, 1995	

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Sheet	2	of	3	Attorney Docket Number	PF221D2

P	GODBOUT, "Identification and Characterization of Transcripts...", Exp. Eye Res., 56:95-106, 1993	
Q	GODBOUT, Genbank Accession No. X65459, September 15, 1993	
R	GODBOUT, Genbank Accession No. Q05423, October 1, 1996	
S	SHIMIZU et al., "Isolation and expression of a cDNA for human brain fatty acid-binding protein (B-FABP)," Biochimica et Biophysica Acta, 1354:24-28, 1997	
T	KIM et al., "Tetramerization of an RNA oligonucleotide containing a GGGG sequence," Letters to Nature, 351:331-332, 1991	
U	BURTON et al., "Heart Fatty Acid Binding Protein Is A Novel Regulator of Cardiac Myocyte Hypertrophy," Biochemical and Biophysical Research Communications, 205(3):1822-1828, December 30, 1994	
V	GROSSE et al., "5. Mammary-Derived Growth Inhibitor (MDGI)," Dickson et al., Genes, Oncogenes, and Hormones: Advances in Cellular and Molecular Biology of Breast Cancer, Kluwer Academic Publishers, Boston, 1991	
W	FENG et al., "Brain Lipid-Binding Protein (BLBP):...", Neuron, 12:895-908, April 1994	
X	KLEINE et al., "Release of heart fatty acid-binding protein into plasma after acute myocardial infarction in man," Molecular and Cellular Biochemistry, 116:155-162, 1992	
Y	KURTZ et al., "The expression pattern of a novel gene encoding brain-fatty acid binding...", Development, 120:2637-2649, 1994	
Z	KURTZ et al., "Developmental Regulation of Mammary-derived Growth Inhibitor...", Journal of Cell Biology, 110:1779-1789, May 1990	
AA	TREUNER et al., "Cloning and characterization of the mouse gene encoding...", Gene, 147:237-242, 1994	
AB	NGO et al., "Computational Complexity, Protein Structure Prediction, and the Levinthal Paradox," The Protein Folding Problem and Tertiary Structure Prediction, Mertz et al., Birkhauser Boston, 433-395, 1994.	
AC	HUYNH et al., "Tumor Suppressor Activity of the Gene Encoding Mammary-derived Growth Inhibitor," Cancer Research, 55:2225-2231, June 1, 1995	
AD	HILLIER et al., GenBank Accession No. N57521, February 22, 1996	
AE	HILLIER et al., GenBank Accession No. N47671, February 14, 1996	
AF	SIEGENTHALER et al., "Purification and characterization of the human epidermal fatty acid-binding protein...", Biochem. J., 302:363-371,	
AG	VEERKAMP et al., "Structural and functional features of different types of cytoplasmic fatty acid-binding proteins," Biochimica et Biophysica Acta., 1081:1-24, January 4, 1991	
AH	VEERKAMP and MAATMAN, "Cytoplasmic Fatty Acid-Binding Proteins: Their Structure and Genes," Pro. Lipid Res., 34(1):17-52, 1995	
AI	HILLIER et al., The WashU-Merck EST Project, Accession No. H46792	
AJ	BENJAMIN et al., "A plasticity window for blood vessel remodelling is defined by pericyte coverage...", Development, 125:1591-1598, 1998	
AK	VUKICEVIC et al., "Induction of nephrogenic mesenchyme by osteogenic protein 1...", Proc. Natl. Acad. Sci. USA, 93:9021-9026, 1996	

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Sheet	3	of	3	Attorney Docket Number	PF221D2

	AL	MASSAGUE, J., "The TGF-beta Family of Growth and Differentiation Factors," Cell. 49:437-438, May 22, 1987	
	AM	PILBEAM et al., "Comparison of the Effects of Various Lengths of Synthetic Human Parathyroid....," Bone, 14:717-720, 1993	
	AN	BOWIE et al., "Deciphering the Message in Protein Sequences:....," Science, 247:1306-1310, March 16, 1990	
	AO	VUKICEVIC et al., "Induction of nephrogenic mesenchyme by osteogenic protein 1 (bone morphogenetic protein 7)" PNAS USA 93:9021-9026 (Aug. 1996)	
	AP	SHI et al., Database SwissProt 40, Accession No. 015540 (Dec. 1996)	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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